

Court No. 24

WPA 5750 of 2021

25.03.2021

(DL 157)

(S. Banerjee)

Gourhari Patra & Ors.

Vs.

The State of West Bengal & Ors.

Sk. Rejaul Alam

... for the petitioners

The petitioners allege that the Gram Panchayat has encroached upon their private land for making construction of a public road without acquiring the same in accordance with the provisions of law.

The petitioners refer to Section 44 of the West Bengal Panchayat Act, 1973 and submit that the Gram Panchayat ought to have invoked the aforesaid provision prior to making construction of public road over their private land.

The petitioners made representation objecting to such unauthorised construction to the Pradhan by a letter dated 25th January, 2021. The petitioners complain that the same has not been taken into consideration till date.

None appears on behalf of the Gram Panchayat despite service. Affidavit of service filed in court be kept on record.

As it appears that the petitioners have already raised objection before the Pradhan against the illegal encroachment of their private land and the said representation is pending consideration at the end of the Pradhan, the instant writ petition is disposed of by directing the respondent no. 5, the Pradhan, Anchal No. 4 herein, to consider the representation of the

petitioners, strictly in accordance with law, after giving an opportunity of hearing to them and to pass a reasoned order at the earliest, but positively within a period of twelve weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the petitioners immediately thereafter.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)